

ORDINANCE NO. 2023-01

**CITY OF POMPANO BEACH
Broward County, Florida**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A PORTION OF THE FIFTEEN FOOT WATERLINE UTILITY EASEMENT LOCATED WITHIN THE MACY'S PARCEL OF THE POMPANO CITI CENTRE PLAT, COMMONLY KNOWN AS 1190 – 1200 N.E. 23RD STREET; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City notifying the public of this proposed Ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; and

WHEREAS, the Property Owner, Burdines Real Estate, Inc., intends to redevelop the parcel as a multi-family residential project and has asked the City of Pompano Beach for an abandonment of a portion of the fifteen-foot utility easement located within the Macy's Parcel of the Pompano Citi Centre Plat, commonly known as 1190 – 1200 N.E. 23rd Street; and

WHEREAS, in City Resolution No. 2009-219, the City approved and authorized the execution of a utility easement between the City and Macy's Florida Stores, LLC n/k/a Burdines Real Estate, Inc., which utility easement was later executed and recorded in Official Records Book 46390, Pages 1187 – 1197, of the public records of Broward County, Florida; and

WHEREAS, amendment to the Easement requires written consent of the City; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. It is found and determined by the City Commission that the public health, welfare, safety and necessity no longer require retention of this interest by the public in that certain utility easement to the extent described below.

SECTION 2. It is further found and determined that abandonment and vacation of that certain portion of the utility easement will not have a detrimental effect upon the surrounding property or area.

SECTION 3. That the City of Pompano Beach abandons and vacates the following described utility easement:

See Exhibit "A" attached and incorporated as if set forth in full.

SECTION 4. That the City Clerk is instructed to record this Ordinance in the Public Records of Broward County, Florida.

SECTION 5. If any provision of this Ordinance or its application to any person or circumstances is held invalid, such invalidity shall not affect any provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 6. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 27th day of September, 2022.

PASSED SECOND READING this 11th day of October, 2022.

DocuSigned by:
Rex Hardin
502CB780EB3F480...

REX HARDIN, MAYOR

ATTEST:

DocuSigned by:
Asceleta Hammond
62AB0835850F4A1...

ASCELETA HAMMOND, CITY CLERK

DocuSigned by:

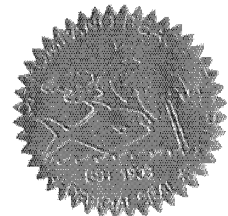




EXHIBIT "A"
SKETCH AND LEGAL DESCRIPTION
 BY
PULICE LAND SURVEYORS, INC.
 5381 NOB HILL ROAD
 SUNRISE, FLORIDA 33351
 TELEPHONE: (954) 572-1777 * E-MAIL: surveys@pulicelandsurveyors.com
 CERTIFICATE OF AUTHORIZATION LB#3870



LEGAL DESCRIPTION: (PORTION OF WATERLINE UTILITY EASEMENT TO BE VACATED)

A PORTION OF THAT 15' UTILITY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 46390, PAGE 1187, LYING WITHIN PARCEL "A", "POMPANO CITI CENTRE PLAT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 174, PAGES 45 THRU 52, INCLUSIVE, BOTH OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST WESTERLY SOUTHWEST CORNER OF SAID PARCEL "A"; THENCE NORTH 07°35'43" EAST ON THE WESTERLY LINE OF SAID PARCEL "A" 768.57 FEET; THENCE SOUTH 83°08'37" EAST 208.53 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 83°08'37" EAST 46.08 FEET; THENCE ALONG THE BOUNDARY OF SAID UTILITY EASEMENT THE FOLLOWING 13 COURSES AND DISTANCES; 1) SOUTH 85°13'31" WEST 31.53 FEET; 2) SOUTH 05°10'21" WEST 74.23 FEET; 3) SOUTH 82°52'09" EAST 50.25 FEET; 4) SOUTH 07°07'51" WEST 15.00 FEET; 5) NORTH 82°52'09" WEST 49.74 FEET; 6) SOUTH 05°10'21" WEST 227.99 FEET; 7) SOUTH 37°25'29" EAST 31.19 FEET; 8) SOUTH 83°10'16" EAST 43.61 FEET; 9) NORTH 05°02'25" EAST 4.53 FEET; 10) SOUTH 84°57'35" EAST 15.00 FEET; 11) SOUTH 05°02'25" WEST 5.00 FEET; 12) SOUTH 83°10'16" EAST 187.10 FEET; 13) SOUTH 88°32'28" EAST 38.32 FEET; THENCE SOUTH 06°51'23" WEST 15.07 FEET; THENCE ALONG THE BOUNDARY OF SAID UTILITY EASEMENT THE FOLLOWING 4 COURSES AND DISTANCES; 1) NORTH 88°32'28" WEST 37.61 FEET; 2) NORTH 83°10'16" WEST 252.75 FEET; 3) NORTH 37°25'29" WEST 43.37 FEET; 4) NORTH 05°10'21" EAST 329.88 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT SITUATE, LYING AND BEING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, AND CONTAIN 106,688 SQUARE FEET, MORE OR LESS.

NOTES:

1. BEARINGS ARE BASED AN ASSUMED MERIDIAN, WITH THE WESTERLY LINE OF TRACT "A", BEING NORTH 07°35'43" EAST AS SHOWN ON PLAT BOOK 175, PAGES 45-52.
2. THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
3. THIS SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR AN ELECTRONIC SIGNATURE AND ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. ALL RECORDED DOCUMENTS ARE PER THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, UNLESS OTHERWISE NOTED.

CLIENT: MORGAN PROPERTY GROUP

NOT TO SCALE DRAWN: BB

ORDER NO.: 69678

DATE: 4/8/22

PARTIAL VACATION OF UTILITY EASEMENT

1190-1200 NE 23RD STREET

POMPANO BEACH, BROWARD COUNTY, FL

FOR: POMPANO CITI CENTRE

SHEET 1 OF 3

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1, 2 AND 3

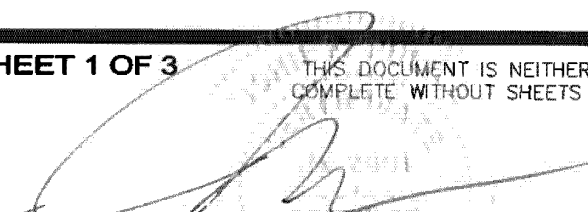
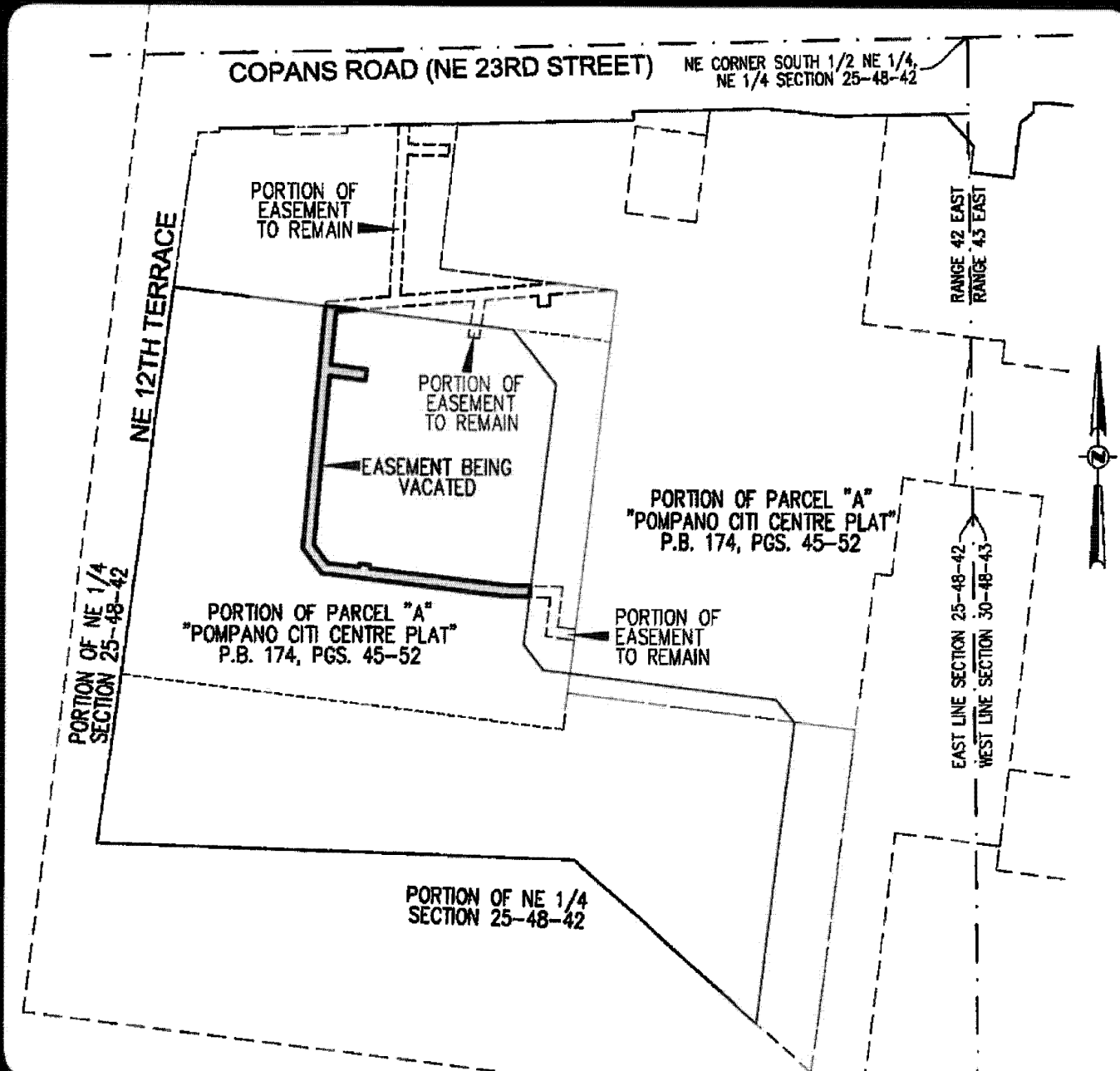

 JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
 BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
 VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
 DONNA C. WEST, PROFESSIONAL SURVEYOR AND MAPPER LS4290
 STATE OF FLORIDA



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TELEPHONE: (954) 572-1777 * E-MAIL: surveys@pulicelandsurveyors.com
CERTIFICATE OF AUTHORIZATION LB#3870



CLIENT: MORGAN PROPERTY GROUP
 SCALE: 1"=200' | DRAWN: BB
 ORDER NO.: 69678
 DATE: 4/8/22
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 1190-1200 NE 23RD STREET
 POMPANO BEACH, BROWARD COUNTY, FL
 FOR: POMPANO CITI CENTRE

SHEET 2 OF 3

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LEGEND:
 P.B. PLAT BOOK
 PG PAGE

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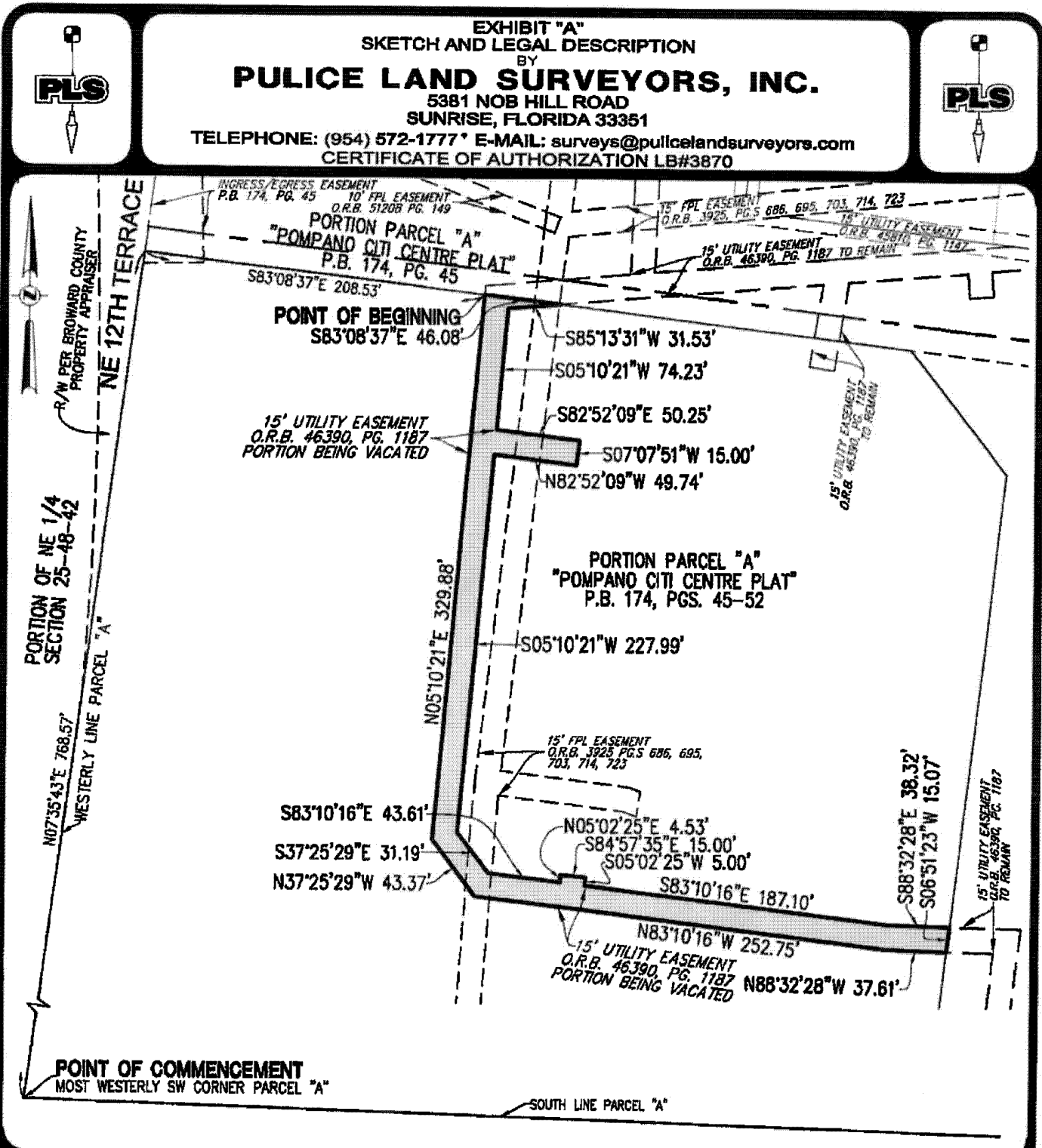


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ORDER NO.: 69678
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PARTIAL VACATION OF UTILITY EASEMENT
1190-1200 NE 23RD STREET
POMPANO BEACH, BROWARD COUNTY, FL
FOR: POMPANO CITI CENTRE

SHEET 3 OF 3

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LEGEND:
 FPL FLORIDA POWER & LIGHT COMPANY
 O.R.B. OFFICIAL RECORDS BOOK
 P.B. PLAT BOOK
 PG./PGS. PAGE/PAGES
 R/W RIGHT-OF-WAY